

**BIFFERATO GENTILOTTI
BIDEN & BALICK**

December 5, 2005

BY ELECTRONIC FILING

The Honorable Gregory M. Sleet
 U.S. District Court for the District of Delaware
 844 North King Street
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 Wilmington, DE 19801

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Re: AB/Sciex v. Thermo Electron Corp., Civil Action No. 04-1230 GMS

Dear Judge Sleet:

In anticipation of the discovery teleconference scheduled on Tuesday, December 6, 2005 at 3:00 p.m. in the above-captioned matter, the parties jointly submit the following items to be presented to the Court:

Defendant Thermo raises the following issues with respect to Plaintiff AB/Sciex and third-party Waters Corporation ("Waters"):

- 1) Whether certain materials sought are relevant to the lawsuit;
- 2) The extent to which such relevance outweighs Waters' right to keep the materials confidential beyond the confidentiality protections already in place; and
- 3) Whether restrictions on the access to the requested material that have been proposed by Waters are reasonable.

Respectfully,



Adam Balick

AB/lS

cc: Kelly E. Farnan, Esquire
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 Clerk of Court

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